

*Office of the Independent Ombudsman
of the Texas Youth Commission*



First Quarter Report FY 12

September 1, 2011-November 30, 2011

Introduction:

This report is the first Quarterly Report of FY 2012 to be submitted by this office under statute and is intended for the Executive Director of the Texas Youth Commission (TYC), the Governor, Lt. Governor, Speaker of the House, members of the Texas Legislature, and the Auditor for the State of Texas. This report will serve to provide a description of the activities of the office during the first quarter of FY 12 spanning September 2011 through November 2011.

Overview of the Work of the Office of the Independent Ombudsman

In 2007, The Office of the Independent Ombudsman (OIO) was established for the purpose of investigating, evaluating, and securing the rights of the children committed to the Texas Youth Commission, including a child released under supervision before final discharge. To fulfill the duties of the office, OIO staff regularly visit all TYC secure facilities, halfway houses, and parole offices, as well as all contract care programs. Currently, TYC operates 6 secure facilities, 9 halfway houses, and 7 district offices. Additionally, TYC contracts with several additional facilities to provide services to TYC youth. While the OIO seeks to address systemic problems with TYC service delivery, the office has resolved numerous individual complaints, as well.

During the first quarter of this year, the OIO facilitated monthly briefings with the TYC Executive Management Team (EMT). The purpose of these meetings was to establish open communication between the OIO and the EMT regarding issues that have been identified in the individual site visits. The meetings have been productive and solutions resulted or are in the works.

The office successfully visited and inspected secure TYC facilities, as well as halfway houses, contract care facilities and parole offices to monitor for compliance with best practices for the safety and security of the youth.

In our continued effort to educate youth and their families about the office's services, we mail OIO brochures to the families of each new youth committed to TYC. Additionally, we attended monthly Family Days and other activities held at the facilities.

Administrative Response Requests

In situations where the OIO determines that an immediate administrative action is necessary to protect a child, alleviate a situation, or expedite change, the OIO will issue a request for an administrative response to the Executive Director.

During the first quarter, of the year, the OIO issued such a request to the Executive Director for concerns observed or reported at the McLennan County State Juvenile Facility.

Following is a summary of the OIO request and the response by TYC:

OIO Concern	TYC Response/Outcome
<p><i>Errors on documentation.</i> An Incident Report (225) is required to be completed after a youth is sent to security. This form describes the incident that caused the youth to be sent to security. In several reviewed files, the 225 showed the time the incident occurred as being after the youth arrived in security. On many files, the 225 arrived after the allotted time of 30 minutes; on two (2) files it was in excess of an hour. The Security Unit: Individual Youth Record (216) is required for a youth in security to document services provided to a youth, time spent with a youth, time a youth spends out of his/her locked room, any visitors to the youth, and the youth's behavior. In reviewed files, the 216s had incorrect dates and were missing significant documentation regarding the youth's stay in security. 225s and 216s are legal documents that affect the due process and rights of the youth. Paperwork issues have been addressed repeatedly in prior site visits.</p>	<p>Several steps were implemented in all facility security units to enhance oversight, compliance, and accountability:</p> <ul style="list-style-type: none"> • Compliance officers are now assigned to monitor daily the paperwork in security units and to conduct case file reviews for continual feedback to the Director of Security. The Compliance Officer focusses on documentation timeliness, sufficiency, and accuracy. • The results are provided weekly to the facility Superintendent and the Director of Youth Services. • The Director of Security and the Program Supervisor over Operations conduct additional reviews of documentation in security, checking for compliance with policy and procedure. • These staff are also charged with developing and implementing corrective action plans to remediate any pattern of non-compliance with documentation requirements. <p>Additional actions have been taken at the McLennan County facility to reinforce expectations and understanding regarding due process and documentation requirements:</p> <ul style="list-style-type: none"> • At the Security Meeting on December 7, 2011, the Program Supervisor over Operations, Security staff and case managers reviewed security unit documentation requirements and individual staff responsibilities for ensuring the protection of youth rights for due process. • At the Town Hall meeting on December 13, 2011, facility administrators emphasized security unit documentation requirements, compliance with required deadlines, and the importance of upholding youth due process rights. Town Hall meetings are attended by all staff, including JCOs, case managers, teachers, and administrative staff.
<p>In security, one youth was lying on the floor in the shower. The youth was observed at 10:30 a.m. Upon questioning, it was determined he had been there since 7:00 p.m. the night before; approximately 15 hours had lapsed. His 216 did not indicate that he was in the shower or his refusal to leave. It did not indicate that any interventions had been tried to get the youth to return to his room. When the youth was asked if anyone had tried to get him to return, he said staff had asked him twice, but he refused.</p> <p>The case manager was asked why the youth had been allowed to stay in the shower. An explanation of the youth's behavior was given, but no reason was given as to why the youth was allowed to remain in the shower. The case manager accompanied Ms.</p>	<p>The facility administrator spoke with the Director of Security at the McLennan County facility. Instructions were given to continue to engage the youth to leave the shower area.</p> <p>Physical force was not appropriate because the youth was not a danger to himself or others. Staff has received additional guidance and instruction for a range of verbal interventions that should continue until the desired result is achieved in non-dangerous situations. Although several types of verbal interventions are available, they were not fully employed in this case, which resulted in an unacceptable delay that tied up valuable staff resources in an unproductive activity.</p> <p>One foremost technique for a situation in which a youth is strongly resisting direction is to make a concerted effort</p>

<p>Unruh to talk to the youth and after a brief conversation, the youth agreed to return to his room. The youth spent the night sleeping on a concrete floor without any blankets and staff did not appear concerned.</p> <p>In security, staff are required to visually check each youth and document the youth's activity and location during the check. Documentation for this youth indicated he was in the shower at every observation.</p> <p>When the Superintendent was asked about the incident, he said he was aware the youth had refused to come out of the shower. He said he left instructions that if the youth had not returned to his room by 10 p.m., staff were to call him to obtain permission to use a physical intervention to return the youth to his room. The superintendent was never called and he had not checked on the youth as of our debriefing at 2:30 p.m. the next day.</p>	<p>to locate staff who can quickly establish trusting rapport with the youth and avoid an entrenched standoff. This option was not fully utilized here and might have resolved the issue much earlier. In this case, staff expected to "wait out" the youth because he was not a danger to himself or others and physical force is always a least preferred approach; however, the staff neglected to consider fully how unproductive this approach was in tying up critical resources, surrendering disciplinary control to the youth, and implying to other youth that this type of resistance might be useful to them as well.</p> <p>For non-dangerous situations in which all reasonable verbal interventions fail, it is occasionally useful to make a show of force for a potential physical restraint. The show of force may resolve the resistance without the actual use of force for an extraction.</p> <p>The relevant agency policy is being reviewed for potential revisions because it authorizes a show of force only for dangerous situations involving imminent harm to self or others and not for non-dangerous situations. Additionally, however, as this situation reflects, if all verbal interventions fail in a non-dangerous situation within a reasonable time period, staff may need authorization to use physical force to remove the youth. Current policy does not authorize a physical restraint for non-dangerous situations.</p>
<p>The files for the youth in security were displayed on a table in the common area, accessible to anyone, including youth. This happens to be the same table where youth do education and meet with the psychologist.</p>	<p>Divided file holders are now installed on the walls in the security unit. These file holders help to maintain and organize all security files, prevent youth access to the files, and maintain confidentiality of youth records.</p>
<p>Education in security is virtually nonexistent. Youth are taken from their room, one at a time, to participate in education at a table in the common area. During this time, the case manager/Juvenile Correctional Officer (JCO) may be at the same table entering documentation in a youth's file. A youth's education time may be interrupted when disruptive youth are brought to security or a psychologist requests use of the area to meet with youth. If a youth in education becomes disruptive, the next youth will not receive education until the disruptive youth is controlled. There were 12 youth in one dorm and additional youth in another dorm and only one educator.</p> <p>We were told that in the past, assignments were given to the youth in their rooms and the educator would then make rounds answering questions and giving explanations so that all youth were able to receive education. This practice was stopped and a new system was started. Under the new system, only a few youth in security will receive education while the rest of the youth remain idle in their rooms.</p>	<p>The Principal and the Assistant Principal at the McLennan County facility are now scheduling additional teachers to rotate through the security unit to provide educational services. Also, the Education Department resumed the practice of providing schoolwork to youth in their security unit rooms to ensure that youth do not have to wait for school assignments.</p>

<p>Case managers are not able to keep up with the revolving door in security. Few interventions are attempted prior to sending a youth to security. Youth are held for long periods and are not seen by the appropriate professionals.</p> <p>Additional case managers are rotated through security to relieve some of the burden, but they are not trained as security case managers. They were observed doing nothing, unaware of what to do, while the security case manager attempted to work each file.</p>	<p>Agency management agrees it has been difficult for case managers to keep up with the workload in the security unit. Several new steps were implemented:</p> <ul style="list-style-type: none"> • Facility administrators have scheduled Dorm Case Managers to assist Security Case Managers with admissions, extensions, and releases in the security unit. • All Dorm Case Managers assigned to assist the Security Department have received additional training on security protocols, with noted improvement in communication between Dorm and Security Case Managers. • Staff efforts are now focused on making more routine and effective use of “check-ins” and “thinking reports” to address acting-out behaviors on the dorm. <p>The goal is to reduce the number of youth referred to security through the increased focus on these behavioral interventions. Preliminary results indicate a reduction in the number of youth referred to the security unit.</p>
<p>There were youth on Suicide Alert (SA), but staff did not know why they were on SA; documentation was lacking. The required folder describing a youth’s behavior and reason for being on suicide alert was not brought with the youth to security. Staff knew which youth were on suicide alert, but they did not know why or what precautions to take with each youth.</p>	<p>During the facility Town Hall meeting on December 13, 2011, facility administrators reiterated re-iterated the critical reasons for staff to know: which youth are on Suicide Alert (SA); the reason(s) a youth was placed on SA; the precautions for each youth; and the documentation requirements for youth with direct care responsibilities. Additional steps implemented for enhanced monitoring:</p> <ul style="list-style-type: none"> • The On Duty Supervisor (ODS) is now assigned to conduct spot checks and face-to-face observations of each youth who is on SA. • The facility superintendent now monitors the ODS reports to ensure compliance. • In accordance with GAP 91.88, youth are to be monitored in the Security Unit via the CCS 117 form, which specifies the observation level and precautions. • Clinical staff communicates verbally and in writing with case managers, the MDT, and staff involved in the reporting and screening of the incident. • Psychology staff shall also note on the INS216 Form the youth’s mental status and relevant information after each visit. • Each time a youth is screened, an SA log is distributed to all staff on campus to notify the campus of the youth’s status and precautions.
<p>There was only one JCO (female) on dorm K4. The procedure is to have two (2).</p>	<ul style="list-style-type: none"> • The JCO scheduler, with assistance from Dorm Supervisors and JCO VI staff, are now ensuring that the K3 and K4 dorms are maintained with two staff for each unit. When needed to meet staffing requirements on any dorm, including K3 and K4, the JCO V and/or JCO VI staff will be assigned to provide coverage.

	<ul style="list-style-type: none"> • Additionally, 21 JCO vacancies were recently filled at the McLennan County facility. These staff started on January 17, 2012, which will assist significantly with maintaining required coverage levels.
<p>During class change, youth were uncontrolled. They stuck their heads in other class rooms and approached other youth, throwing gang signs and handshakes. The halls were loud and chaotic. Staff did not have control of the youth while in the halls, but also did not make any effort to control the youth.</p> <p>We were told that a system had been developed for class change that was smooth and organized. It allowed for youth to have conversation, but at a low level and only with the youth they were traveling with. This method had been used repeatedly and it was found to work well. However, we were told that JCO staff do not like this method, and when the principal or assistant principal is out of the building, JCOs revert back to the old procedure. The principal and her assistant were not in the building while we were there. When questioned, JCO staff implied they were not aware of the change, yet they have been practicing the new method for several weeks.</p>	<p>On December 7, 2011, a staff committee met to discuss movement in the school building, and several changes were implemented as a result:</p> <ul style="list-style-type: none"> • JCO VI staff is now assigned to the school building during school hours to increase youth supervision. • JCO VI and JCO V staff now takes a more active role in youth movement in the school building and are specifically assigned responsibility for hallway movement. • JCO VI and JCO V staff now ensures that youth enter their assigned classrooms and do not loiter in the hallways. • During the week of December 28th while youth were on holiday break from school, staff and youth received additional training and instruction in their role during class change. Staff led youth in practice sessions to reinforce appropriate hallway movement and class change procedures. Additionally, youth prepared posters throughout the school outlining movement expectations as part of the campus Positive Behavioral Supports and Interventions (PBIS) system. • When classes resumed in January, appropriate behavior during movement was a target skill for PBIS in education, culminating in an incentive day for qualifying students on January 17, 2012.
<p>The principal was given authority to assign tasks to JCO staff. We were told of an incident where she directed a JCO to a particular class, explaining the benefit he could provide by being in the class. The JCO refused her directive and remained in the hall.</p>	<p>All JCO staff are now informed by facility administrators that instructions given by managers and supervisors must be followed. Specifically, if the Principal and/or Assistant Principal provide instructions to JCO staff in the school, the JCO staff is required to adhere to the instruction given. Any non-compliance or refusal by JCO staff to follow such instructions will subject the JCO to progressive disciplinary action.</p> <p>This topic was reiterated at the Town Hall meeting on December 13, 2011.</p>

<p>JCO staff are placed in each classroom to assist teachers when disruptions occur. Teachers stated that during class disruptions, the JCO stands by while the teacher attempts interventions. Eventually, the teacher becomes frustrated and directs the JCO to remove the youth from the classroom. The JCO does not attempt to do any interventions and the youth is immediately taken to security. This in turn frustrates security staff because the teachers appear to always refer youth to security.</p>	<p>The Education Department at the McLennan County facility, with guidance from the Acting Superintendent of Education, has now implemented a behavior management system for the school. This system puts significant emphasis on teachers consistently implementing interventions with youth in a manner that focuses teachers on teaching and youth on self-correcting their inappropriate behavior. The goal of the behavior management protocol is to reduce the number of security referrals, increase teaching time, and improve relationships between staff and youth and between teachers and JCO staff. All youth and staff received training in this new behavior management system.</p> <p>Special training for the protocol was provided for JCO and Program Specialist staff on December 9, 2011 at the Education Service Center Region 12 headquarters in Waco. The McLennan County facility is now employing Facility Improvement Team (FIT) principles to identify talented teachers and JCO staff utilizing this system.</p>
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These Issues will be monitored in the months that follow to assure implementation and continuation.

Accounting of Site Visits, Youth Contact and Individual Cases

	FY 2011	1stQuarter FY12	FY12 Total
Site Visits	168	67	67
Number of Youth Interviewed	1289	609	609
Number of Youth Interviews Conducted	1980	709	709
Closed Cases	641	99	99

Facilities visited by OIO staff during the first quarter

Secure Facilities

Corsicana Residential Treatment Center (*Corsicana TX*)
Evins Regional Juvenile Center (*Edinburg TX*)
GainesvilleStateSchool (*GainesvilleTX*)
GiddingsStateSchool (*GiddingsTX*)
McLennanCountyState Juvenile Correctional Facility (*MartTX*)
RonJacksonState Juvenile Correctional Complex (*BrownwoodTX*)

TYC Halfway Houses

Ayres House-*San AntonioTX*
Beto House-*McAllen TX*
Cottrell House-*Dallas TX*
Edna Tamayo House-*HarlingenTX*
McFadden Ranch-*Roanoke TX*
Schaeffer House-*El Paso TX*
Turman House-*Austin TX*
Willoughby House-*Fort Worth TX*
York House-*Corpus Christi TX*

TYC District Offices

AustinDistrict Office
Dallas District Office
El Paso District Office
Fort Worth District Office
Houston District Office
San Antonio District Office
Waco District Office

Parole Areas (Parole officers not working out of a district office)

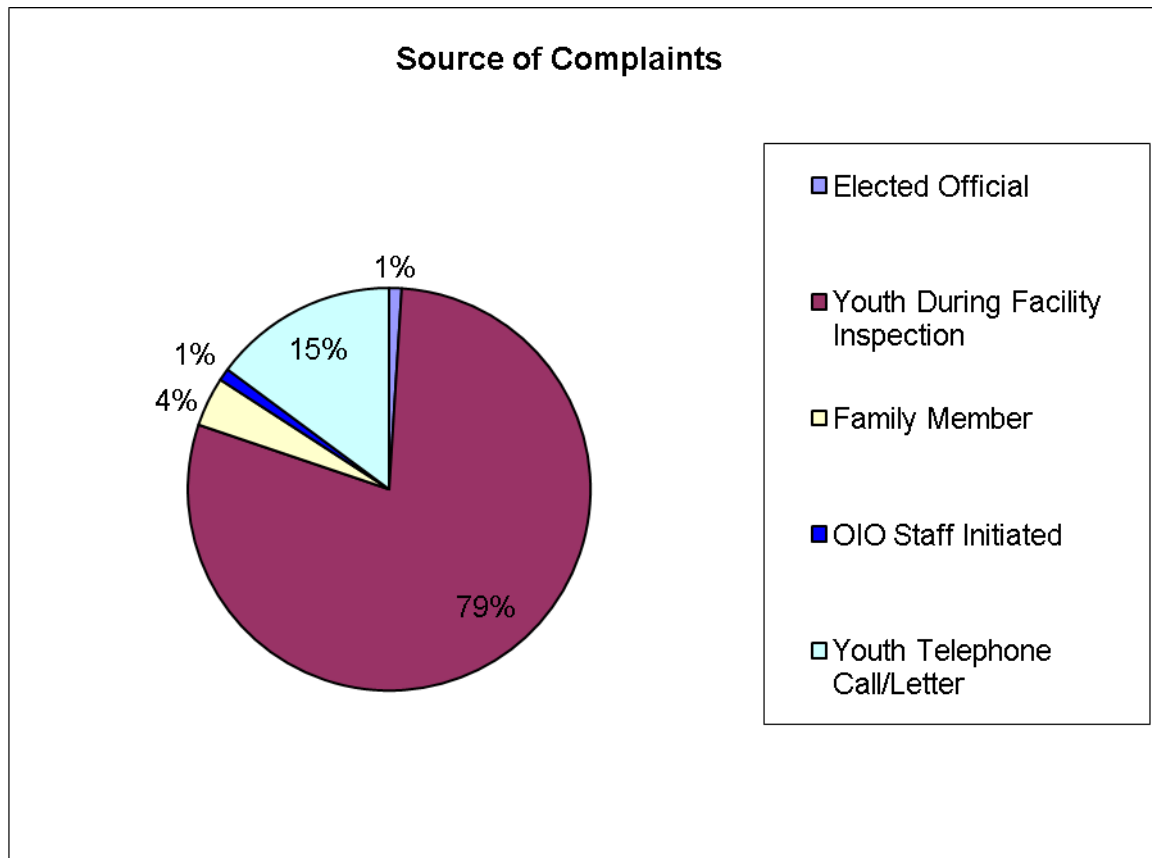
Amarillo Area Parole
Bell County Area Parole
Harlingen Area Parole
Lubbock Area Parole
Midland Area Parole
Tyler Area Parole
Waco Area Parole

Contract Care Facilities

Abraxas Youth and Family Services-*San Antonio TX*
Associated Marine Institutes, Inc. (RGMI)-*Los Fresnos TX*
Byrds Therapeutic Group Home-*Houston TX*
Garza County Regional Juvenile Center-*Post TX*
Gulf Coast Trades Center-*New Waverly TX*
HarrisCounty Psychiatric Center-*HoustonTX*
National Mentor Healthcare LLC East Intermediate-*HoustonTX*
New Day Achievement Center-*Huntsville TX*
Specialized Alternatives for Youth (SAFY)- *Arlington TX*
Therapeutic Family Life-*AustinTX*
Unity Children's Home-*HoustonTX (three locations)*

Anyone may file a complaint with the OIO. Complaints can be made via telephone, mail, fax, email, or in person during a facility inspection. The OIO received 101 complaints during the first quarter. The majority of these cases were received directly from the youth during facility inspections.

First Quarter-FY 12

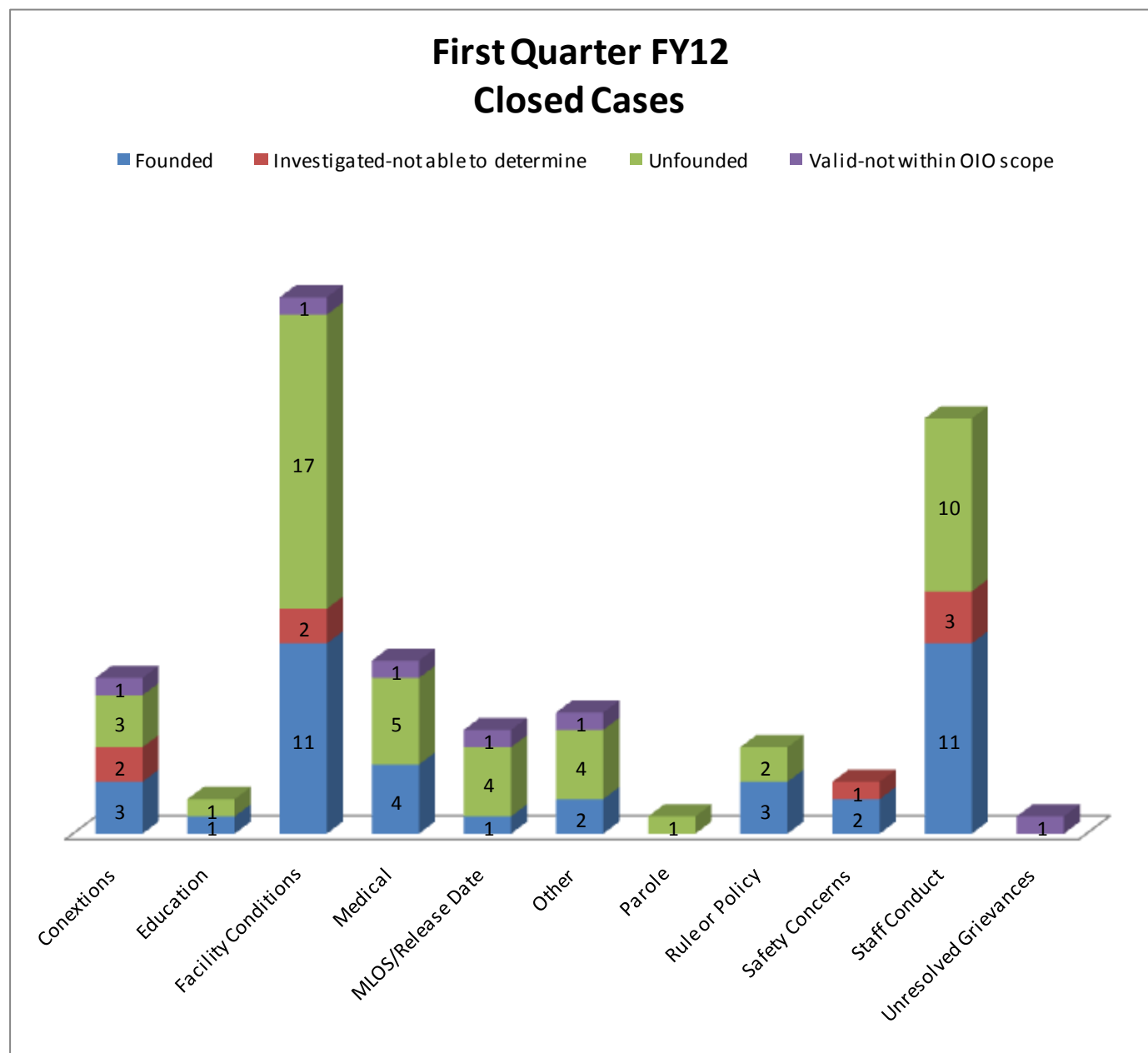


Complaints Received by Facility-First Quarter FY 12*

Facility	Total for Facility	Conexctions	Education	Facility Conditions	Medical	MLOS/Release Date	Other	Parole	Rule or Policy	Safety Concerns	Specialized Treatment	Staff Conduct	Unresolved Grievances
Ayres House	2				1							1	
Beto House	2	1		1									
Corsicana Residential Treatment Center	10	2			2		1			1		3	1
Cottrell House	3			3									
Evins Regional Juvenile Center	2				1				1				
Gainesville State School	22		1	14								7	
Giddings State School	10	1			3			1	2	1	1	1	
McFadden Ranch	3	1	1	1									
McLennan County SJCF	13			2	3	2			1			5	
Ron Jackson State JCC	28			14	1	1	2			3		7	
San Antonio District Office	1		1										
Unity Children's Home-Blue Mountain Rd	2					1	1						
Willoughby House	2	1		1									
York House	1								1				

* Facilities without complaints are not listed

During the first quarter, the OIO closed 99 cases. Cases are closed in one of four ways: Founded, Unfounded, Investigated-unable to determine, and Valid-not within OIO scope.



In addition to the cases that are investigated by OIO staff, the office also receives numerous inquiries and complaints that are referred to the appropriate authority. During the first quarter, the OIO received 134 inquiries and referrals.

**First Quarter FY12
Inquiries and Referrals**

